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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,558	09/27/2006	Giuseppe Zeolla	51812	3556
1609 7590 04/30/2008 ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P. 1300 19TH STREET, N.W. SUITE 600 WASHINGTON,, DC 20036				
EXAMINER WALBERG, TERESA J				
ART UNIT 3744		PAPER NUMBER		
MAIL DATE 04/30/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,558

Applicant(s)

ZEOLLA, GUISEPPE

Examiner

Teresa J. Walberg

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)
- Paper No(s)/Mail Date 9/27/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Knurr (6,105,660).

Knurr discloses a cooling device comprising a cooling unit (43) through which a fluid to be cooled, in particular hydraulic oil (oil cooler 14), can flow, the unit having a device housing (Fig. 1) and at least one filter unit (39) for filtration of the fluid, characterized in that the device housing (Fig. 1) of the cooling unit (43) has at least one overhanging support arm (Figs. 4 and 5), via which the respective filter unit (39) is connected to the cooling unit (14) to carry fluid, the overhanging support arm (Figs. 4 and 5) is provided with a cover part (Figs. 4 and 5) via which the filter housing (39) with at least one filter element (39) as the respective filter unit (39) can be connected to the cooling unit (13) to carry fluid, the cooling unit (14) is made as a plate-shaped finned radiator (Fig. 5) and the filter unit (39) is located in the direction of flow of the fluid downstream (col. 4, lines 1-8) from the cooling unit (14), the filter unit (39) being held by the overhanging support arm (Figs. 4 and 5) which extends along the longitudinal side of the finned radiator.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knurr (6,105,660).

Knurr discloses a cooling unit (10) including a box-shaped housing structure (Fig. 1), with two longitudinal sides, two transverse sides and one front and one rear side (Figs. 1 and 2) and a fan blower (56 in Fig. 2) integrated into the front side.

Knurr does not state whether the box-shaped structure is composed of sheet metal parts. However, sheet metal is a conventional material for making housings for use in hot environments. It would have been obvious to one of ordinary skill in the art to make the box shaped structure of sheet metal in the oil cooler of Knurr, the motivation being to make the housing heat resistant.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knurr (6,105,660) in view of Habiger et al (5,374,355).

Knurr discloses a cooling unit having the claimed structure, with the exception of the oil filter having a cover part being provided along a retaining ring

with an inside thread via which the pot-like filter housing with an outside thread on its edge-side opening region can be screwed into the cover part.

Habiger et al discloses an oil filter (Fig. 1) in which the cover part (10) is provided along a retaining ring with an inside thread (at 12) via which the pot-like filter housing (13) with an outside thread (at 12) on its edge-side opening region can be screwed into the cover part (10).

It would have been obvious in view of Habiger et al to use a screw thread secured structure for the oil filter of Knurr, the motivation being to make the filter cartridge easily replaceable.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knurr (6,105,660) in view of Pohl et al (DE 100 09 864)(equivalent to US 2003/0146147 cited by applicant, but with earlier publication date).

Knurr discloses a cooling unit having the claimed structure, with the exception of a fouling indicator on the oil filter.

Pohl et al discloses an oil filter (32 in Fig. 6) having a fouling indicator (col. 4, line 30).

It would have been obvious in view of Pohl et al to use a fouling indicator for the oil filter of Knurr, the motivation being to indicate when the filter cartridge needs to be replaced.

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7. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knurr (6,105,660) in view of Goates (5,513,732).

Knurr discloses a cooling unit having the claimed structure, with the exception of a check valve and a thermo bypass valve.

Goates discloses a cooling unit having a check valve and a thermo bypass valve.

It would have been obvious in view of Goates to use a check valve and a thermo bypass valve with the cooling unit of Knurr, the motivation being to provide improved control of the cooling process.

8. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The present abstract should be amended, since it contains the legal phraseology "said" and "comprises".

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakamura and Rotter et al are cited to show heat exchangers having side mounted filters.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa J. Walberg whose telephone number is 571-272-4790. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Teresa J. Walberg
Primary Examiner
Art Unit 3744

/TW/